

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SERGIO STEVEN CORONADO,

Plaintiff,

v.

FNU BOSLEY, Corrections Officer,
individually, and
FNU KERR, Corrections Officer,
individually,

Defendants.

Case No. CIV-17-858-D

ORDER

Plaintiff, a *pro se* litigant, filed this § 1983 action on August 10, 2017, seeking monetary relief for alleged violations of his constitutional rights while he was incarcerated at North Fork Correctional Center in Sayre, Oklahoma, on January 26, 2015. [Doc. No. 1]. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings.

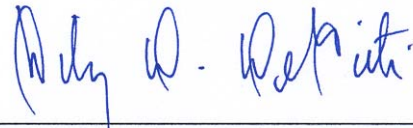
On November 15, 2017, Judge Mitchell filed a Report and Recommendation (“Report”) [Doc. No. 17], in which she recommended that the Court dismiss Plaintiff’s claims with prejudice because they fail to state a claim upon which relief can be granted. Specifically, Judge Mitchell found that Plaintiff’s claims were barred by the applicable two-year statute of limitations.

Judge Mitchell advised Plaintiff of his right to object and directed that any objection be filed on or before December 5, 2017. Judge Mitchell further advised Plaintiff that any failure to object would result in a waiver of the right to appellate review. The deadline for

filing objections has passed. To date, Plaintiff has not filed objections and has not sought an extension of time in which to do so.

Accordingly, Judge Mitchell's Report and Recommendation [Doc. No. 17] is ADOPTED as though fully set forth herein. Plaintiff's claims are dismissed with prejudice to refiling. This dismissal counts as one strike pursuant to 28 U.S.C. § 1915(g) after Plaintiff's exhaustion or waiver of his appeal rights, in accordance with *Jennings v. Natrona County Det. Ctr. Med. Facility*, 175 F.3d 775, 780 (10th Cir. 1999).

IT IS SO ORDERED this 12th day of December 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE